

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER CAROVILLANO *and* STEVEN BRANDT,
on behalf of themselves and all others similarly situated,

Plaintiffs,

-v-

SIRIUS XM RADIO INC.,

Defendant.

23 Civ. 4723 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On June 26, 2023, defendant Sirius XM Radio, Inc., filed a Rule 7.1 disclosure statement identifying itself as a wholly owned subsidiary of Sirius XM Holdings, Inc., and identified Liberty Media Corporation as the only publicly traded entity owning more than 10% of the outstanding shares of Sirius XM Holdings, Inc. *See* Dkt. 6 at 1. Based on the Court's review of the docket, Sirius XM Radio, Inc., has not subsequently filed a Rule 7.1 disclosure statement.

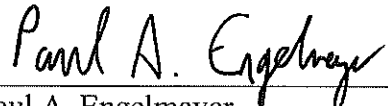
The Court, however, yesterday observed a news account stating that Berkshire Hathaway, Inc., now owns more than 10% of an entity described as Sirius XM. Assuming that the entity in which Berkshire Hathaway owns this stake is the defendant in this case (or an entity that controls the defendant), this Court expects to recuse itself, on the basis of its family's longstanding ownership of Berkshire Hathaway stock, and the case will be reassigned. *See* Committee on Codes of Conduct of the Judicial Conference of the United States, Advisory Opinion No. 57 (Feb. 2024); *see also Int. Rate Swaps Antitrust MDL*, 16 Md. 2704, at Dkt. 844 (order recusing

upon party's updated Rule 7.1 disclosure that Berkshire Hathaway's beneficial interest in a defendant entity now exceeded 10%).

The Court accordingly directs Sirius XM Radio, Inc. forthwith to file a letter on the docket of this case answering the following questions:

1. Does Berkshire Hathaway own a more than 10% stake in either Sirius XM Radio, Inc., or an entity that controls Sirius XM Radio, Inc.?
2. If yes, on what date did Berkshire Hathaway's stake in that entity become 10% or higher?

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: February 5, 2025
New York, New York